

**Office of Financial Institutions**  
**GRIEVANCE PROCEDURE**

**I. Philosophy**

It is the policy of the Office of Financial Institutions (OFI) to encourage our employees to express their concerns, informally and formally, without fear of harassment, reprisal or retaliation. To accomplish this, a fair, efficient and objective grievance procedure allows our employees to express those concerns which are not appealable to the State Civil Service Commission.

**II. Purpose**

In any organization, public and private, employment conditions, practices and decisions create dissatisfaction and misunderstandings amongst employees. By affording employees an effective procedure for expressing their concerns, employee morale and productivity will increase. Additionally, the free expression of employee concerns will afford management an opportunity to review and modify policies and procedures, as warranted.

**III. Applicability**

This policy applies to all OFI employees, regardless of status or position. However, the concerns addressed via this procedure do not include those actions appealable to the State Civil Service Commission or the Director of the Department of State Civil Service. Employees should review Chapters 10 and 13 of the Civil Service Rules to determine those actions which are appealable directly to the Commission/Director. Employees are encouraged to contact the Human Resources Office to resolve any uncertainty as to the procedure to be used or for guidance in processing a grievance.

**NOTE:**

**There are fixed time limits within which either a grievance or an appeal may be filed. If an employee chooses the incorrect procedure, he/she may find that the time limit for the proper procedure may have expired. The filing of a grievance does not extend the time within which an appeal must be filed with the Commission/Director.**

#### **IV. Definition**

The term “grievance” means any claim, concern, problem or complaint by any employee that:

- A. An employee has been treated unfairly, inequitably or in a manner which is arbitrary, unjust or unreasonable; or
- B. There is a violation in the implementation, enforcement, administration, application and/or interpretation of any law, regulation, directive, policy, procedure or practice which adversely affects the employee; or
- C. There exists a condition, situation or circumstance which jeopardizes the health or safety of the employee or otherwise adversely affects the welfare or interest of the employee.

#### **V. Procedure**

The Grievance Procedure consists of three formal steps:

##### Step 1:

All grievances shall be presented within 14 calendar days of the date the grievant first became aware of, or should have become aware of, the cause of such grievance.

The initial grievance shall be submitted to the grievant’s immediate supervisor. The immediate supervisor shall render a written decision within 7 days of receipt of the grievance.

##### Step 2:

If the grievant is not satisfied with the supervisor’s decision, he/she should check the appropriate box on the grievance form and, within 7 days, present the grievance to his/her Division Director.

The Division Director shall review the information provided, afford the grievant an opportunity to present his/her concern, and render a written decision within 14 days of receipt of the Step 2 grievance.

Step 3:

If the grievant is not satisfied with the Division Director's decision, he/she should check the appropriate box on the grievance form and, within 7 days, present the grievance to the Commissioner.

The Commissioner (or designee) shall review the information provided, conduct an investigation or take whatever action is necessary to meaningfully review the grievance. A written decision shall be provided the grievant within 21 days of receipt of the Step 3 grievance.

**NOTE:**

**The Human Resources Office has responsibility for administering the grievance procedure. Therefore, at each step of the procedure, the grievant and reviewing official should consult the Human Resources Office.**

**VI. Summary Disposition of Grievance**

At any time after receiving a grievance and prior to the final decision at Step 3, the Commissioner, in consultation with the Human Resources Office, may summarily dispose of the grievance on any of the following grounds:

- 1) The Commissioner lacks jurisdiction over the subject matter of the grievance;
- 2) The Commissioner lacks jurisdiction over the person against whom relief is sought;
- 3) The grievant has no legal right to grievance consideration;
- 4) The grievance has not been processed in the required manner;
- 5) The grievance has not been processed within the prescribed delays;
- 6) A decision on the grievance would be moot;
- 7) No relief can be granted;
- 8) The grievant has withdrawn or abandoned the grievance;
- 9) The grievant failed to appear at the time/place designated for hearing; or
- 10) The Commissioner has determined the grievance to be frivolous.

**VII. Requirements**

- 1) The grievance must be in writing;
- 2) The grievance and decisions at each level must be on the designated grievance form (additional pages may be attached);
- 3) A copy of the grievance at each level must be timely submitted by the grievant to the Human Resources Office;

- 4) A copy of the decision at each level must be timely submitted by the reviewing official to the Human Resources Office;
- 5) Extensions for responding to the grievance at each level may be granted by the Human Resources Office for good reason;
- 6) The Commissioner's decision shall be final on all issues subject to review through the grievance procedure;
- 7) The initial Steps of the grievance procedure may be waived by the Commissioner.

#### **VIII. Prohibitions**

No employee will be harassed, discriminated against or penalized in any fashion for exercising the right to express his/her concerns through the grievance process. Similarly, no employee participating in the grievance process will be adversely affected in any way.

#### **IX. Questions**

Questions regarding this policy should be directed to the Human Resources Office.

#### **X. Violations**

An employee may be disciplined for:

- 1) Harassing, discriminating or retaliating against any employee who files a grievance or participates in the grievance process;
- 2) Using his/her position to influence the grievance procedure or anyone involved therewith; or
- 3) Abusing the grievance procedure as determined by the Commissioner.

APPROVED BY:

  
\_\_\_\_\_  
John Ducrest, CPA  
Commissioner

\_\_\_\_\_  
March 8, 2005  
Date

**OFFICE OF FINANCIAL INSTITUTIONS**  
**GRIEVANCE FORM**

GRIEVANT'S NAME \_\_\_\_\_

TITLE \_\_\_\_\_

DIVISION \_\_\_\_\_

DATE GRIEVANT BECAME AWARE OF CAUSE FOR GRIEVANCE \_\_\_\_\_

DATE GRIEVANCE FILED \_\_\_\_\_

**STEP ONE**

**GRIEVANCE STATEMENT** (A statement may be attached if more space is needed.) Must be presented within 14 days of the date the grievant first became aware of the cause for the grievance.

---

---

---

---

---

**RELIEF SOUGHT** (A statement may be attached if more space is needed.)

---

---

---

Grievant's Signature \_\_\_\_\_ Date \_\_\_\_\_

**c: Human Resources Office**

F/BRMO/POLICY/OFI/Personnel/E-05-03

Replaces use of Part 4 of C.S. Personnel Manual which is obsolete

DECISION OF IMMEDIATE SUPERVISOR (A statement may be attached if more space is needed.)  
Must render decision within 7 days of receipt of the grievance.

---

---

---

---

---

---

---

Supervisor's Signature

---

Date

GRIEVANT'S RESPONSE

\_\_\_\_ I am satisfied with the Step One answer to my grievance.

\_\_\_\_ I am not satisfied with the answer to my grievance and wish to have it referred to Step Two.  
(Must present to Division Director within 7 days of receipt of the Step One decision).

---

Grievant's Signature

---

Date

**c: Human Resources Office**

**STEP TWO**

**DECISION OF DIVISION DIRECTOR** (A statement may be attached if more space is needed.)  
Must render decision within 14 days of receipt of the Step Two grievance.

---

---

---

---

---

---

\_\_\_\_\_  
Division Director's Signature

\_\_\_\_\_  
Date

**GRIEVANT'S RESPONSE**

\_\_\_\_\_ I am satisfied with the Step Two answer to my grievance.

\_\_\_\_\_ I am not satisfied with the answer to my grievance and wish to have it referred to Step 3.  
(Must present to Commissioner within 7 days of receipt of the Step Two decision).

\_\_\_\_\_  
Grievant's Signature

\_\_\_\_\_  
Date

**c: Human Resources Office**

**STEP THREE**

DECISION OF THE COMMISSIONER (A statement may be attached if more space is needed.) Must render decision within 21 days of receipt of the Step Three grievance.

---

---

---

---

---

---

---

---

Commissioner's Signature

---

Date

**c: Human Resources Office**